

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

MICHAEL PATRICK SPEAR, SR.

PLAINTIFF

V.

NO: 3:13CV00006 SWW

DENNIS BURTON

DEFENDANT

ORDER

Plaintiff Michael Patrick Spear, Sr. filed this *pro se* complaint, pursuant to 42 U.S.C. § 1983, on January 9, 2013. Plaintiff did not pay the \$350.00 filing fee, or file an application for leave to proceed *in forma pauperis*. Accordingly, on January 16, 2013, Plaintiff was ordered to pay the filing fee, or to file an application for leave to proceed *in forma pauperis*, within 30 days (docket entry #2). That same order also warned Plaintiff that his failure to do so would result in the dismissal of his complaint.

More than 30 days have passed, and Plaintiff has not paid the filing fee, filed an application for leave to proceed *in forma pauperis*, or otherwise responded to the order. However, the order directing Plaintiff to pay the filing fee, or to file an application for leave to proceed *in forma pauperis*, was mailed to him at the Sharp County Detention Center, where he was confined at the time he filed his complaint. In the complaint, Plaintiff identified his address as 21 Arkoma Drive, Cherokee Village, AR 72529. Accordingly, the Clerk is directed to send Plaintiff a copy of docket entry #2, along with an *in forma pauperis* application, calculation sheet, and certificate. Plaintiff is directed to pay the full \$350.00 filing fee, or to file a completed application for leave to proceed *in forma pauperis*, as well as a calculation sheet, and certificate, within 30 days of this order's entry

date.¹ Plaintiff must also provide a notice of his current address. Plaintiff's failure to comply will result in the dismissal of his complaint.

IT IS SO ORDERED this 21st day of February, 2013.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

¹If Plaintiff is no longer in custody, he need not provide a calculation sheet and certificate.